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**Aug 31 2023**

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,

11 Plaintiff,

No. CR 22-02407-TUC-RM (JR)

12 vs.

**PLEA AGREEMENT**

13 Daniel Wayne Watson,

14 Defendant.

15  
16 The United States of America and Defendant, DANIEL WAYNE WATSON, agree  
17 to the following disposition of this matter:

18 PLEA

19 Defendant agrees to plead guilty to Count One of the Indictment, charging  
20 Threatening to Assault or Murder a Federal Employee, in violation of Title 18, United  
21 States Code, Sections 115(a)(1)(B) and 115(b)(4), a class C felony offense.

22 ELEMENTS OF THE CRIME

23 The essential elements of Threatening to Assault or Murder a Federal Employee are  
24 that:

- 25 1. The defendant threatened to assault, kidnap, or murder a United States official,  
26 a United States judge, a Federal law enforcement officer, or an official whose  
27 killing would be a crime under 18 U.S.C. § 1114;  
28 2. With intent to:

- 1                   a. impede, intimidate, or interfere with such official, judge, or law  
 2                   enforcement officer while he or she was engaged in the performance of  
 3                   official duties, or  
 4                   b. with the intent to retaliate against such official, judge, or law enforcement  
 5                   officer on account of the performance of official duties.

6                   STIPULATIONS, TERMS AND AGREEMENTS

7                   Maximum Penalties: Defendant understands and agrees that the maximum penalty for the  
 8                   offense to which he is pleading are a fine of \$250,000, a maximum term of ten (10) years  
 9                   imprisonment, or both, and a maximum term of three (3) years supervised release.

10                  Defendant agrees to pay a fine unless Defendant establishes the applicability of the  
 11                  exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

12                  Special Assessment: Defendant understands that in accordance with Title 18,  
 13                  United States Code, Section 3013, upon entry of judgment of conviction, there shall be  
 14                  assessed a \$100.00 special assessment for each felony count.

15                  Agreement Regarding Sentencing:

16                  a. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties agree that a sentence of time  
 17                  served is an appropriate disposition of this case.

18                  b. The parties agree that the following advisory sentencing guidelines apply:

Base Offense Level (U.S.S.G. § 2A6.1(a)(1))	12
More than two threats (U.S.S.G. § 2A6.1(b)(2))	+2
Official Victim (U.S.S.G. § 3A1.2(a))	+3
Acceptance (U.S.S.G. § 3E1.1(a))	<u>-3</u>
Total Adjusted Offense Level	14

- 24                  c. Defendant may withdraw from the plea agreement if he receives a sentence in  
 25                  excess of the stipulated sentencing range based upon Probation's calculation of  
 26                  Defendant's criminal history score and category.
- 27                  d. Defendant understands and agrees that this plea agreement contains all the terms,  
 28                  conditions and stipulations regarding sentencing. If Defendant requests or if the

1                   Court authorizes any reduction of sentence, either by departure or variance, not  
2 specifically agreed to in writing by the parties, the government may withdraw from  
3 the plea agreement.

- 4                   e. If the Court departs from the terms and conditions set forth in this plea agreement,  
5 either party may withdraw.  
6                   f. If the Court, after reviewing this plea agreement, concludes any provision is  
7 inappropriate, it may reject the plea agreement and allow Defendant an opportunity  
8 to withdraw Defendant's guilty plea, all pursuant to Rule 11(c)(5) and Rule  
9 11(d)(2)(A), Fed. R. Crim. P.  
10                  g. Defendant understands that if Defendant violates any of the conditions of  
11 Defendant's supervised release, the supervised release may be revoked. Upon such  
12 revocation, notwithstanding any other provision of this agreement, Defendant may  
13 be required to serve an additional term of imprisonment or Defendant's sentence  
14 may otherwise be altered.  
15                  h. Defendant and the government agree that this agreement does not in any manner  
16 restrict the actions of the government in any other district or bind any other United  
17 States Attorney's Office.

18 Disclosure of Information to U.S. Probation:

19                  Defendant understands the government's obligation to provide all information in its  
20 file regarding Defendant to the United States Probation Office.

21                  Defendant understands and agrees to cooperate fully with the United States  
22 Probation Office in providing:

23                  a. All criminal history information, i.e., all criminal convictions as defined  
24 under the Sentencing Guidelines.

25                  b. All financial information, i.e., present financial assets or liabilities that relate  
26 to the ability of Defendant to pay a fine or restitution.

27                  c. All history of drug and alcohol abuse which would warrant a treatment  
28 condition as part of sentencing.

1                   d. All history of mental illness or conditions which would warrant a treatment  
2 condition as part of sentencing.

3 Reinstitution of Prosecution:

4                   If Defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any court  
5 in a later proceeding, the government will be free to prosecute Defendant for all charges as  
6 to which it has knowledge, and any charges that have been dismissed because of this plea  
7 agreement will be automatically reinstated. In such event, Defendant waives any  
8 objections, motions, or defenses based upon the Speedy Trial Act or the Sixth Amendment  
9 to the Constitution as to the delay occasioned by the later proceedings.

10 Agreement Regarding Seized Property:

11                  Nothing in this plea agreement shall be construed to protect the defendant from civil  
12 forfeiture proceedings or prohibit the United States from proceeding with and/or initiating  
13 an action for civil forfeiture. Further, this agreement does not preclude the United States  
14 from instituting any civil proceedings as may be appropriate now or in the future.

15 Waiver of Defenses and Appeal Rights:

16                  Provided the defendant receives a sentence in accordance with this plea agreement,  
17 the defendant waives (1) any and all motions, defenses, probable cause determinations, and  
18 objections that the defendant could assert to the indictment or information; and (2) any  
19 right to file an appeal, any collateral attack, and any other writ or motion that challenges  
20 the conviction, an order of restitution or forfeiture, the entry of judgment against the  
21 defendant, or any aspect of the defendant's sentencing-including the manner in which the  
22 sentence is determined, the determination whether defendant qualifies for "safety valve"  
23 (U.S.S.G. § 5C1.2 and 18 U.S.C. § 3553(f)), and any sentencing guideline determinations.  
24 The sentence is in accordance with this agreement if the sentence imposed does not exceed  
25 time served. The defendant further waives: (1) any right to appeal the Court's entry of  
26 judgment against defendant; (2) any right to appeal the imposition of sentence upon  
27 defendant under Title 18, United States Code, Section 3742 (sentence appeals); (3) any  
28 right to appeal the district court's refusal to grant a requested variance; (4) any right to

1       collaterally attack defendant's conviction and sentence under Title 28, United States Code,  
2       Section 2255, or any other collateral attack; and (5) any right to file a motion for  
3       modification of sentence, including under Title 18, United States Code, Section 3582(c)  
4       (except for the right to file a compassionate release motion under 18 U.S.C. §  
5       3582(c)(1)(A) and to appeal the denial of such a motion). The defendant acknowledges  
6       that this waiver shall result in the dismissal of any appeal or collateral attack the defendant  
7       might file challenging his/her conviction or sentence in this case. If the defendant files a  
8       notice of appeal or a habeas petition, notwithstanding this agreement, defendant agrees that  
9       this case shall, upon motion of the government, be remanded to the district court to  
10      determine whether defendant is in breach of this agreement and, if so, to permit the  
11      government to withdraw from the plea agreement. This waiver shall not be construed to  
12      bar an otherwise-preserved claim of ineffective assistance of counsel or of "prosecutorial  
13      misconduct" (as that term is defined by Section II.B of Ariz. Ethics Op. 15-01 (2015)).

14      Plea Addendum

15      This written plea agreement, and any written addenda filed as attachments to this  
16      plea agreement, contain all the terms and conditions of the plea. Any additional  
17      agreements, if any such agreements exist, shall be recorded in separate documents and may  
18      be filed with the Court under seal. Accordingly, additional agreements, if any, may not be  
19      in the public record.

20      WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

21      Waiver of Rights

22      I have read each of the provisions of the entire plea agreement with the assistance  
23      of counsel and understand its provisions. I have discussed the case and my constitutional  
24      and other rights with my attorney. I understand that by entering my plea of guilty I will be  
25      giving up my rights to plead not guilty, to trial by jury, to confront, cross-examine, and  
26      compel the attendance of witnesses, to present evidence in my defense, to remain silent  
27      and refuse to be a witness against myself by asserting my privilege against self-  
28

1 incrimination -- all with the assistance of counsel -- and to be presumed innocent until  
2 proven guilty beyond a reasonable doubt.

3 I agree to enter my guilty plea as indicated above on the terms and conditions set  
4 forth in this agreement.

5 I have been advised by my attorney of the nature of the charges to which I am  
6 entering my guilty plea. I have further been advised by my attorney of the nature and  
7 range of the possible sentence.

8 My guilty plea is not the result of force, threats, assurances or promises other than  
9 the promises contained in this agreement. I agree to the provisions of this agreement as a  
10 voluntary act on my part, rather than at the direction of or because of the recommendation  
11 of any other person, and I agree to be bound according to its provisions.

12 I fully understand that, if I am granted probation or placed on supervised release by  
13 the court, the terms and conditions of such probation/supervised release are subject to  
14 modification at any time. I further understand that, if I violate any of the conditions of my  
15 probation/supervised release, my probation/supervised release may be revoked and upon  
16 such revocation, notwithstanding any other provision of this agreement, I may be required  
17 to serve an additional term of imprisonment or my sentence may otherwise be altered. I  
18 agree that any Guidelines Range referred to herein or discussed with my attorney is not  
19 binding on the court and is merely an estimate.

20 I agree that this written plea agreement contains all the terms and conditions of my  
21 plea and that promises made by anyone (including my attorney), and specifically any  
22 predictions as to the guideline range applicable, that are not contained within this written  
23 plea agreement are without force and effect and are null and void.

24 I am satisfied that my defense attorney has represented me in a competent manner.

25 I am fully capable of understanding the terms and conditions of this plea agreement.  
26 I am not now on or under the influence of any drug, medication, liquor, or other intoxicant  
27 or depressant, which would impair my ability to fully understand the terms and conditions  
28 of this plea agreement.

1       Factual Basis:

2           I agree that the following facts accurately describe my conduct in connection with  
3           the offense to which I am pleading guilty; and, that if this matter were to proceed to trial,  
4           the government could prove the elements of the offense beyond a reasonable doubt based  
5           on the following facts:

6           In April of 2021, Defendant was on supervised release in 21-CR-01032-RM  
7           (JR). The terms of Defendant's supervised release required him to  
8           participate in a residential inpatient treatment program. While housed at  
9           Community Bridges (CBI), Defendant made threats in the presence of  
10          employees of CBI directed toward T.B., his supervising U.S. Probation  
11          Officer.

12          On April 11, 2022, Defendant learned that his request to transfer to a  
13          different facility had been denied by his probation officer. Upon learning  
14          this information, Defendant stated to CBI employee C.P., "I am going to kill  
15          my P.O., she is a dumb bitch, she is jealous of me and the fact I have a life  
16          and family. I am going to slit her throat." C.P. then notified his supervisor,  
17          C.B., of the threat.

18          C.B. then met with Defendant alone and repeated to him that his  
19          probation officer was denying his request. Defendant then told C.B., "that  
20          he did not care what she wanted, I am going to do what I want to do... I hate  
21          that bitch, I am going to kill her when I see her ... just strangle her ... the  
22          next time I see that bitch she is dead."

23          //

24          //

25          //

26          //

27          //

28          //

1           At the time Defendant made these threats, he was being supervised by  
2 T.B., who was a United States Probation Officer performing her official  
3 duties in the District of Arizona. Defendant made the threats with the intent  
4 to intimidate and retaliate against T.B. while she was engaged in and on  
5 account of the performance of her official duties.

6  
7           8-30-23  
8 Date

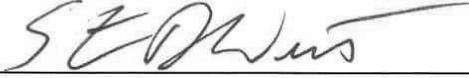
9             
10           DANIEL WAYNE WATSON  
11           Defendant

12           **DEFENSE ATTORNEY'S APPROVAL**

13           I have discussed this case and the plea agreement with my client, in detail and have  
14 advised Defendant of all matters within the scope of Fed. R. Crim. P. 11, the constitutional  
15 and other rights of an accused, the factual basis for and the nature of the offense to which  
16 the guilty plea will be entered, possible defenses, and the consequences of the guilty plea  
17 including the maximum statutory sentence possible and Defendant's waiver of his right to  
18 appeal. I have further discussed the sentencing guideline concept with Defendant. No  
19 assurances, promises, or representations have been given to me or to Defendant by the  
20 United States or by any of its representatives which are not contained in this written  
21 agreement.

22           I concur in the entry of the plea as indicated above and on the terms and conditions  
23 set forth in this agreement as in the best interests of my client. I agree to make a bona fide  
24 effort to ensure that the guilty plea is entered in accordance with all the requirements of  
25 Fed. R. Crim. P. 11.

26           8-30-23  
27 Date

28             
STEVEN D. WEST  
Attorney for Defendant

1                   **GOVERNMENT'S APPROVAL**

2                   I have reviewed this matter and the plea agreement. I agree on behalf of the United  
3 States that the terms and conditions set forth are appropriate and are in the best interests of  
4 justice.

5                   GARY M. RESTAINO  
6                   United States Attorney  
7                   District of Arizona

8                   8/29/2023

9                   Date

10                  

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*Patrick E. Chapman*  
11                  PATRICK E. CHAPMAN  
12                  Assistant U.S. Attorney

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